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COMMUNITY BOARD No. 2, MANHATTAN

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Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

January 23, 2015

Madelyn Wils, President & CEO
Pier 40, 2nd Floor
353 West St. (at W. Houston St.)
New York, NY 10014

Dear Madelyn Wils:

At its Full Board Committee meeting on January 22, 2015, Community Board #2, Manhattan adopted the following resolution:

Resolution Regarding the Proposal by Hudson River Park Trust to Build Pier 55, a Public Park and Performance Space, Funded Primarily by the Diller-von Furstenberg Family Foundation

Whereas

Funding:

- 1) CB2 applauds the generosity and innovative approach to public space of the Diller-Von Furstenberg Family Foundation;
- 2) the proposed performance venue called Pier55 will bring an important new cultural institution to New York City and significantly enhance the public stature and benefits of Hudson River Park;
- 3) the rebuilt pier will add significant new park area for public access and enjoyment;
- 4) the pledge will go towards funding not only the new pier and park's construction, but also its operation, maintenance and programming for the next 20 years;
- 5) it is the expectation that this gift and the subsequent development of the envisioned pier will attract increased support from the community, the City, the State, and significant donors toward the completion of the Park, which is now just 70% complete and is continually underfunded;

6) the lease stipulates that Pier55, Inc. shall be responsible for all but \$17M of construction costs and the Diller-Von Furstenberg Family Foundation has committed to fund this operating organization, but the Pledge Agreement that guarantees this funding is referred to, but not included, in the lease;

7) the lease holds HRPT responsible for the cost of maintaining the underlying infrastructure of the pier, which will add to HRPT's financial burden;

8) HRPT has not yet identified future funding source(s) to provide for the maintenance of Pier55 once the Tenant vacates the premises (recognizing that the tenant has the right to vacate the lease after ten years upon payment of a \$5 million penalty fee to HRPT) and adequate funding beyond the 20-year commitment needs to be determined in time;

9) as part of a separate but related project, the Gansevoort esplanade will be redesigned and renovated to accommodate pedestrian traffic, bike traffic and production vehicles; and that this project will be funded by a separate budget provided through New York State (estimated at \$18M);

Process:

10) the development of Hudson River Park is governed by the text of the Hudson River Park Act and the terms of the General Project Plan (GPP) for the park and therefore differs from that of NYC's Department of Parks and Recreation;

11) certain aspects of this project represent "significant action" as related to the financing plan for the Park and the General Project Plan which require a 60-day public review and comment period and the requirement to hold a public hearing on the project;

12) the design concept of Pier55 was developed by the Diller-Von Furstenberg Foundation, in negotiation with HRPT to ensure adherence to the Hudson River Park Act, but without input from any public entity (including CB2) or the general public;

13) HRPT is engaged in the presentation of the design and plan for public review, including a public hearing, as required by the Hudson River Park Act, but the opportunity for community board and public input has been limited to this 60-day period at the end of what has been a lengthy design effort, which is less than ideal but does meet the requirements of law;

Design, Environment, Traffic and Safety:

14) the design represents an attractive and inventive solution for a combined public park and performance venue as well as a unique innovation in the tradition of created landscapes;

15) HRPT has pledged that the existing Historic Arch at the entry of Pier 54 will be preserved;

16) the completed "pier" structure will provide a departure from the linearity of the park, adding interest and playfulness appropriate for the new use of the historic waterfront;

17) the Trust has presented many renderings to scale that show the pier from several perspectives and many community members have expressed concern with how the substantial elevation of the pier and the connections from the shore will obstruct views;

18) concerns were raised about the environmental assessment done by HRPT including effects on the fish population, the potential risk of high winds and the structure's ability to withstand them, and the proximity of gas lines to the planned construction area;

19) CB2 is already coping with the popularity of The High Line and the resultant challenges (traffic, environmental, etc.) that its success presents to the neighborhood, as well as the popularity of the Meatpacking District and anticipated popularity of the soon-to-open Whitney Museum and soon to be developed Pier 57;

20) because there is no apparent way to assure that projected audience sizes will not be significantly exceeded, and it is also probable that the high profile features of the new open space will attract not only local users, but numerous other visitors, including tourists and people from the surrounding region, neighbors have raised concerns that the cumulative impact of trips to Pier 55, along with other new traffic generators in the area will negatively affect comfort and access on streets and sidewalks;

21) though there is a proposed new bus stop to be added, it should be expected that many visitors will come via the subway (most likely the station at 14th St. and 8th Ave.), and crowds walking to and from events on the new pier from that station will create noise and potential pedestrian safety issues especially crossing West St. and the greenway bike path;

22) it is understood that the erosion and subsequent forced closing of the current Pier 54 renders it no longer viable as a main performance pier for the park, and this area of the river is too shallow for the mooring of large, historic ships as was intended in the original General Project Plan;

23) there is concern that the sound of noisy events on the pier will carry into the neighborhood as occurred when performances and events were held on Pier 54, although the design concept includes elements for noise abatement, and noise levels are promised to be well below those of prior performance uses on Pier 54;

24) the lease agreement allows for the mooring of a 4,000-square-foot barge off the west side of the pier for six months of the year, and concern has been raised that this impact may exceed that anticipated by docking of historic ships as anticipated in the General Project Plan for the park;

25) capacity of the two access points for both access and egress has not been fully explained, especially in the case of emergency, but it is expected that this concern will be thoroughly reviewed by appropriate city agencies including the Department of Buildings and the Fire and Police Departments;

26) HRPT is required to obtain additional permits from the Army Corps of Engineers and the New York Department of Environmental Conservation before construction can begin;

Programming and Public Access:

27) Pier55 Inc. has assembled an international management and programming team of the highest reputation;

28) presentations by HRPT and Pier55, Inc. have expressly pledged to deliver a programming vision that has been well-received by the community but could be changed by Pier55 at any time in the future;

29) some residents have raised concerns about the viability of the proposed arts programming on the Pier in the face of imminent competition from performance spaces at the nearby Culture Shed, Governor's Island and the World Trade Center;

30) the nonprofit organization, Pier55, Inc., and not the Hudson River Park Trust, will operate the pier and the programming of it;

31) the master schedule of events will be kept by Pier55, Inc. and not by the Trust, although Pier55, Inc. is required to provide the Trust with its schedule six months prior to each season;

32) the Trust's Fact sheet refers to Pier55, Inc.'s commitment to showcasing local talent, but the details of this pledge are not stipulated in its lease;

33) the percentage of free v. "low-cost" tickets for events put on by Pier55, Inc. has not been decided;

34) the definition of the term "low-cost" has not been defined, and the phrase "reasonably distributed" is also not defined (as used in the pledge that OEFLC Permitted Events be "reasonably distributed across each Season");

35) the plan for the distribution of free tickets has yet to be formulated and CB2 has questions about how Pier55, Inc. can ensure a fair and transparent process for distribution of these tickets to the general public on a first-come, first-served basis with only a small percentage of tickets made available to VIPs and donors;

36) the number of days the park will be completely and/or partially closed to the public, which is of great concern to the community, relies on Pier55, Inc.'s programming and is said to be impossible to determine at this early stage;

Therefore be it resolved, CB2:

Applauds the enormous generosity of the donors for making this unprecedented investment donation pledge estimated at \$130 million in local arts programming and outdoor space and congratulates HRPT for obtaining such an extraordinary donation;

Enthusiastically supports the project's promise of high-quality arts programming made available to a broad public but has concerns about future funding of this pier should Pier55, Inc. experience financial troubles or vacate the lease;

Supports the proposed development only if:

1. The lease is modified such that HRPT, as Landlord, retains sufficient authority to assure maximum public access to this pier and in recognition of Landlord's responsibility to assure public access to park areas, Tenant agrees that as a general rule reasonable limitation to public access will not exceed 50 percent of the area of Pier 55 more than 1 day a week (20 percent of the days) between May 1 and October 30, and will not restrict access during more than 50 percent of daylight hours of those days.
2. The role of public input during design development, construction, and operation of the project be recognized including by adding CB2 and/or Council Member participation on the Pier55 board of directors and by providing for creation of an Advisory Board including community members and members of the local performing arts community.
3. Pier55, Inc. and HRPT return to CB2 regularly throughout the design and construction of Pier55 and seek community input as the project undergoes alterations and refinements; and once Pier55 is operational, in the interest of community engagement and protection of public access.
4. That fair and democratic access to all performances is guaranteed and in particular that the process for allocating free and low cost tickets limits their distribution as a reward for membership, sponsorship, or contribution in or to Pier55, Friends of Hudson River Park, or any other organization.
5. HRPT continues to find opportunities for historic ship mooring elsewhere in the park, as is appropriate to the site's history as one of the world's most important seaports.

6. HRPT and Pier55 commit to purchasing the equipment necessary to monitor sound levels (including deep bass levels), train personnel in the proper use of this equipment, and insure that the sound levels at all events do not exceed a limit that is set in consultation with the surrounding community and does not exceed NYC noise code.
7. Steps are taken to mitigate traffic concerns and transportation impacts, including but not limited to: discouraging additional traffic resulting from events held at Pier55 from entering into the already-congested Gansevoort Market area or the residential areas immediately to the south and east, sidewalk widenings, parking prohibitions, tour bus bans, traffic lane orientation modification, wayfinding signage for pedestrians, and coordination with inland street designs for optimal access and minimal pedestrian/vehicular and vehicular/vehicular conflict.
8. The artistic vision of artistic programming that has been conveyed and will greatly serve the community is preserved.
9. Moving forward, understanding the delicate negotiations involved with obtaining a donation of this size, HRPT reaffirms its commitment to genuine community input into all plans for Hudson River Park.
- 10.

VOTE: Passed, 43 Board Members in favor.

Opposed: 2 Board Members (Katy Bordonaro, Sandy Russo)

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Richard Caccappolo, Chair
Parks, Recreation & Open Space Committee
Community Board #2, Manhattan

TB/EM

- c:
- Hon. Jerrold Nadler, Congressman
 - Hon. Brad Hoylman, NY State Senator
 - Hon. Deborah J. Glick, Assembly Speaker
 - Hon. Gale Brewer, Manhattan Borough President
 - Hon. Corey Johnson, Council Member